

**Functional Series 100 – Agency Organization and Legal Affairs
ADS 154 - Procurement of Legal Services**

Table of Contents

<u>154.1</u>	<u>OVERVIEW</u>	<u>2</u>
<u>154.2</u>	<u>PRIMARY RESPONSIBILITIES</u>	<u>2</u>
<u>154.3</u>	<u>POLICY AND PROCEDURES</u>	<u>2</u>
<u>154.3.1</u>	<u>General</u>	<u>2</u>
<u>154.3.2</u>	<u>Procurement of Legal Services in USAID/W</u>	<u>2</u>
<u>154.3.3</u>	<u>Procurement of Legal Services Abroad</u>	<u>3</u>
<u>154.4</u>	<u>MANDATORY REFERENCES</u>	<u>3</u>
<u>154.4.1</u>	<u>External Mandatory References</u>	<u>3</u>
<u>154.4.2</u>	<u>Internal Mandatory References</u>	<u>3</u>
<u>154.5</u>	<u>ADDITIONAL HELP</u>	<u>3</u>
<u>154.6</u>	<u>DEFINITIONS</u>	<u>3</u>

ADS 154 - Procurement of Legal Services

154.1 OVERVIEW

This chapter establishes the policy directives and required procedures for the occasional procurement of the services of **attorneys outside of USAID** for non-litigation matters.

154.2 PRIMARY RESPONSIBILITIES

- a. The General Counsel is responsible for ensuring that adequate legal services are provided to the Agency.
- b. The General Counsel has the authority to approve the procurement of legal services in USAID/W and overseas.
- c. Regional Legal Advisors (RLAs) have the authority to approve the procurement of legal services overseas, which will ordinarily be supported by the budget of the relevant Mission.

154.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

154.3.1 General

- a. The General Counsel, through the attorneys in the Office of the General Counsel (GC) and RLAs, is primarily responsible for providing legal services to the Agency. Therefore, procurement of outside legal services must be approved by the General Counsel or an RLA.
- b. This chapter does not apply to the special requirements for hiring attorneys to represent USAID in litigation. See [ADS 151](#), Reporting and Management of Litigation.
- c. This chapter does not apply to the hiring of direct-hire employees to provide legal services.
- d. This chapter does not apply to the retention of counsel to represent employees. As a general rule the Agency does not have the authority to provide legal counsel for employees, except for acts within the scope of employment. See [ADS 153](#), Indemnification of Employees and Representation of Employees by the Department of Justice or Private Counsel at Government Expense.

154.3.2 Procurement of Legal Services in USAID/W

USAID/W offices must forward requests, e.g., scope of work, for outside legal counsel to the Assistant General Counsel for Litigation and Enforcement (AGC/LE) for approval by the General Counsel.

154.3.3 Procurement of Legal Services Abroad

Missions must forward requests to the RLA or a USAID/W attorney on TDY. If neither of them is available, send the request to the appropriate Assistant General Counsel.

154.4 MANDATORY REFERENCES

154.4.1 External Mandatory References

154.4.2 Internal Mandatory References

- a. [ADS 151, Reporting and Management of Litigation](#)
- b. [ADS 153, Indemnification of Employees and Representation of Employees by the Department of Justice or Private Counsel at Government Expense](#)

154.5 ADDITIONAL HELP

154.6 DEFINITIONS

154_030904_w030904_cd35